

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number	10/813,606	Confirmation No.:	4352
Appellant	Robert J. ANGEN et al.		
Filed	March 31, 2004		
Title	DISPLAY ASSEMBLY WITH IMPROVED DISPLAY OBJECT VISIBILITY		
TC/Art Unit	3693		
Examiner:	Jared W. NEWTON		
Docket No.	64367.000002		
Customer No.	21967		

Mail Stop: Appeal Brief--Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

In response to the Examiner's Answer mailed January 6, 2009, maintaining the rejection asserted in the Final Office Action ("the Action") of pending claims 1-18, Appellants respectfully request that the Board of Patent Appeals and Interferences reconsider and reverse the rejections of record.

STATUS OF CLAIMS

Claims 1-18 are pending in this application. Claims 1, 5, 6, and 7 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 606,889 to Gregory ("Gregory"). Claims 2, 3, 10, 11, 12, 14, 15, and 16 have been rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of U.S. Patent No. Des. 305,190 to Winter et al. ("Winter"). Claims 8, 9, 17, and 18 have been rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of Winter, and further in view of U.S. Patent No. 5,165,538 to Peters ("Peters"). Claims 4 and 13 have been rejected under 35 U.S.C. § 103 as

being allegedly unpatentable over Gregory in view of Winter and further in view of U.S. Patent No. 6,467,745 to Sickels ("Sickels").

The rejections of claims 1-18 are appealed.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are to be reviewed on appeal:

- The rejection of claims 1, 5, 6, and 7 under 35 U.S.C. § 102(b) as being allegedly anticipated by Gregory.
- The rejection of claims 2, 3, 10, 11, 12, 14, 15, and 16 under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of Winter et al.
- The rejection of claims 8, 9, 17, and 18 under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of Winter, and further in view of Peters.
- The rejection of claims 4 and 13 under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of Winter and further in view of Sickels.

ARGUMENT

The Examiner's Answer continues to improperly allege that Gregory teaches all each and every claim limitation for independent claim 1. For example, the Office continues to allege that Gregory teaches (1) "one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies" and (2) "a shelf mount assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly," as expressly recited in claim 1. However, Appellants respectfully disagree.

Gregory purports to disclose a type-writer support system for attaching a type-writer to a desk using pins and thumb-screws. *Gregory* at p. 1, lines 48-59, in conjunction with Figure 1. Gregory's system comprises three main components: plate A, bracket F, and disk N. *Gregory* at Figure 1. Plate A is formed with hinged lugs C and D for mounting to a desk via screw holes B, bracket F includes plate M and pin H for securement to plate A, and disk N is for mounting a type-writer. *Gregory* page 1, lines 37-96, in conjunction with Figures 1 and 2.

The Examiner's Answer alleges that Gregory teaches the claimed invention in two "interpretations:" (1) elements J, F, and M of Gregory reads on the claimed "shelf assembly," elements A, C, D, and E reads on the "one or more wall mounting assemblies," pin H and thumbscrew I to by the "shelf mount assembly," and holes in lugs C and D reads on the "slotting mechanism" (*Examiner's Answer* at p. 5); and (2) element M of Gregory reads on the claimed "shelf assembly," elements A, C, D, and E reads on the "one or more wall mounting assemblies," elements H and F reads on the "shelf mount assembly," the hole in lug D reads on the "slotting mechanism," and disk N reads on the "one or more object mounting assemblies" (*Examiner's Answer* at p. 6-7). However, under either interpretation, Gregory fails to teach at least limitations (1) and (2), as described above.

With regard to limitation (2), bracket F of Gregory is completely integrated with elements F, L, and M, as well as pin H, as described above and as acknowledged by the Office in the Examiner's Answer. *Examiner's Answer* at p. 6-7 (stating that elements F, L, M, and H are "unitary"). Therefore, under the first and second interpretation, Gregory's alleged "shelf assembly" (elements J, F, and M or just element M) is inseparable from the alleged "shelf mount assembly" (pin H). As a result, Gregory does not teach "a shelf mount assembly for...removably mounting the shelf assembly." Even assuming, for the sake of argument, that

the entire bracket of Gregory (elements F, L, M, and H) can be construed as a shelf mount assembly and disk N as the shelf assembly, Gregory would then fail to teach the “one or more display object mounting assemblies...[to] rotatably mount a display object” limitation because disk N does not “*rotatably* mount” the type-writer. As a result, Gregory does not teach a shelf mount assembly for removably mounting the shelf assembly.

With regard to limitation (1), the holes in lugs C and/or D do not read on the claimed “a slotting mechanism.” Rather, the holes in lugs C and D merely provide “pivotal securement.” Gregory at p. 1, lines 48-52. For example, even though pin H may attach to the hole in lug D, the entire typewriter assembly of Gregory can only be “mounted” when thumbscrew I (a separate element) is inserted in the hole of lug C. Gregory at p. 1, lines 56-69. In fact, without thumbscrew I passing through lug C, the entire system of Gregory would likely collapse, especially under the weight of a type-writer. Therefore, Gregory’s system for mounting is clearly based on a direct attachment of elements M, F, H, and H (“bracket F” of Gregory) via thumbscrew I, not a slotting mechanism for “*removably* mounting” a shelf assembly as claimed. In fact, the claimed “slotting mechanism” allows for a more advantageous way for mounting/removing a shelf assembly without tightening and/or fastening any additional screws, as required by Gregory. Specification at p. 6, lines 9-14. As a result, Gregory does not teach slotting mechanism for removably mounting a shelf mount assembly.

Accordingly, for at least this reason, Gregory does not teach each and every limitation of claim 1 and the rejection of claim under 35 U.S.C. § 102(b) should be reversed.

Independent claim 10 recites similar limitations to claim 1. None of the secondary references – Winter, Peters, and Sickels – cure the deficiencies of Gregory or render obvious

such a combination. Therefore, for similar reasons described above, the rejections of independent claim 10 and dependent claims 2-9 and 11-18 should also be reversed.

CONCLUSION

Because the cited reference fails to disclose or render obvious all features set forth in the pending claims, Appellants submit that the pending claims are allowable over the cited reference. Accordingly, Appellants respectfully request that the Board reverse the prior art rejections set forth in the Action, and allow all of the pending claims. Authorization is hereby granted to charge or credit the undersigned's Deposit Account No. 50-0206 for any fees or overpayments related to the entry of this Appeal.

Respectfully submitted,



Date: March 6, 2009

By:

George Y. Wang
Registration No. 58,637

For: Brian M. Buroker
Registration No. 39,125

Hunton & Williams LLP
1900 K. St., NW, Suite 1200
Washington, D.C. 20006-1109
Tel: (202) 955-1500
Fax: (202) 778-2201